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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,575	12/04/2003	Gerald M. Robinson	2138-105	5090
7590	12/15/2005		EXAMINER	
Vermette & Co. Granville Square 200 Granville Street, Suite 230 Box 40 Vancouver, BC V6C 1S4 CANADA			AVERY, BRIDGET D	
			ART UNIT	PAPER NUMBER
			3618	
DATE MAILED: 12/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/726,575		ROBINSON, GERALD M.	
	Examiner		Art Unit	
	Bridget Avery		3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 16 is objected to because of the following informalities: the claim fails to further limit the parent claim because the claim does not recite a method step.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, 8, 11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bussiere (US Patent 4,423,368).

Treat teaches a movable vehicle (10) having an energy recovery apparatus, the energy recovery apparatus including: (a) an air capture unit mounted on the moveable vehicle (10) in a position to capture oncoming air when the moveable vehicle (10) is in motion; (b) a plurality of fans (32, 34) rotatably mounted in the air capture unit in a position to be driven by the incoming air; (c) a generator (28, 30) coupled to the fan and operative to rotate in response to rotation of the fan (32, 34) and to generate power; and (a) an electrical energy conduction/power line coupled at one end to the generator (28, 30) and at another end to a destination electrical load (46) on the moveable vehicle (10), as clearly shown in Figure 2; the fans have horizontally disposed axes; the fans

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(32, 34) move the incoming air in a curvilinear path and discharges it at an angle to the incoming air, as shown in Figure 3 and described in column 2, lines 3-5. The vehicle includes an elongate duct (20) having a mouth to receive incoming air and operative to direct incoming air to a remotely located fan (32, 34). Re claims 15 and 16, the method of energy recovery for a movable vehicle, which includes capturing oncoming air, directing captured air, coupling a fan to a generator and conducting the power to a destination load on the movable vehicle is clearly taught in column 1, lines 48-61.

3. Claims 1 and 3-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pena (US Patent 5,680,032).

Pena teaches a movable vehicle (10') having an energy recovery apparatus, the energy recovery apparatus including: (a) an air capture unit mounted on the moveable vehicle (10') in a position to capture oncoming air when the moveable vehicle (10') is in motion; (b) a plurality of fans (23) rotatably mounted in the air capture unit in a position to be driven by the incoming air; (c) a generator (45) coupled to the fan and operative to rotate in response to rotation of the fan (23) and to generate power; and (a) an electrical energy conduction/power line (63) coupled at one end to the generator (45) and at another end to a destination electrical load (66) on the moveable vehicle (10'), as clearly shown in Figure 5; the fans (23) have vertically disposed axes and are disposed in a row (see Figure 1); the fans (23) move the incoming air in a curvilinear path and discharges it at an angle to the incoming air, as clearly shown in Figure 4 and described in column 4, lines 62-67 and column 5, lines 1-2. The vehicle includes an elongate duct

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(15) having a mouth to receive incoming air and operative to direct incoming air to a remotely located fan (23). Re claims 5, 9 and 10, Pena teaches changing the number and placement of the fans according to "the design criteria used" in column 4, lines 33-37. Re claims 15 and 16, the method of energy recovery for a movable vehicle, which includes capturing oncoming air, directing captured air, coupling a fan to a generator and conducting the power to a destination load on the movable vehicle is clearly taught in column 5, lines 43-54.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wu shows multiple installation-variegated generators for fossil fuels and electric powered vehicles.

Hamrick shows a ram air electrical generator/charging system.

Burkhardt shows an extended range charging system for electrical vehicle.

Lewis shows a combined generator and bake system for land vehicles.

Boodman et al. shows a wind turbine generator for electrical powered vehicles.

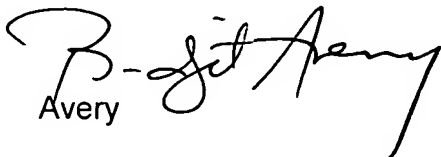
Hull, deceased et al. shows an automobile with wind driven generator.

Treat shows a means for generating electrical energy for vehicle.

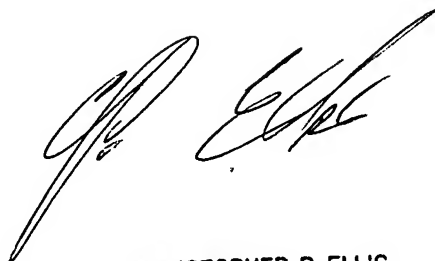
Dutchak shows a system of electricity generator for motor-driven vehicles.

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5. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.


Avery

December 8, 2005



CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER